

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

ROGER USSERY,)	
Plaintiff,)	
v.)	
SHELBY COUNTY and)	No. 2:23-cv-02171-SHL-tmp
COLUMBIA COUNTY, GA)	
Defendants.)	

**ORDER ADOPTING REPORT AND RECOMMENDATION AND
DISMISSING COMPLAINT WITHOUT PREJUDICE**

Before the Court is Chief Magistrate Judge Tu M. Pham’s Report and Recommendation (“Report”), filed July 24, 2023. (ECF No. 7.) In the Report, the Chief Magistrate Judge recommends that the Court dismiss Plaintiff Roger Ussery’s pro se Complaint without prejudice for failing to either pay the \$402.00 civil filing fee or submit an in forma pauperis affidavit even after the Chief Magistrate Judge entered an Order on April 19, 2023, directing him to do so within 30 days. (See ECF No. 6.)

A magistrate judge may submit to a judge of the court proposed findings of fact and recommendations for dismissal of a complaint for failure to state a claim. 28 U.S.C. § 636(b)(1)(B). “Within 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations.” Fed. R. Civ. P. 72(b)(2); see also 28 U.S.C. § 636(b)(1) (2017). A district court reviews de novo only those proposed findings of fact or conclusions of law to which a party specifically objects; the rest are reviewed for clear error. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Ussery's deadline to object to the Report was August 7, 2023, and no objections have been filed. The Court has therefore reviewed the Report in its entirety for clear error and finds none. The Report properly describes Ussery's failure to comply with the statutory requirements governing the payment of the civil filing fee and the Court agrees with the Report's recommendation of dismissal without prejudice. Therefore, the Court **ADOPTS** the Chief Magistrate Judge's Report and **DISMISSES** the Complaint **WITHOUT PREJUDICE**.

IT IS SO ORDERED, this 14th day of August, 2023.

s/ Sheryl H. Lipman

SHERYL H. LIPMAN
CHIEF UNITED STATES DISTRICT JUDGE